

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAJOR CALHOUN,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV1284 CDP
)
THE MISSOURI DEPARTMENT)
OF CORRECTIONS, DIRECTOR'S)
DESIGNEE DON ROPER, et al.,)
)
Defendants.)

ORDER

Plaintiff has asked me to reconsider my denial of his motion for appointment of counsel, which I will treat as a third motion for appointment of counsel. I denied plaintiff's first motion for appointment of counsel in my order dated February 15, 2008, and I denied his second motion on December 8, 2008. Plaintiff has made the same arguments in all three motions: he is unable to afford an attorney; he has attempted to obtain legal counsel and has been unsuccessful; without an attorney he will be unable to access sensitive material necessary to prove his case; and without a lawyer discovery and trial will be difficult. Nothing has occurred since then which leads me to believe that my prior ruling on this issue should be changed. Thus, I will adopt and incorporate my memorandum and order of February 15, 2008, in which I carefully considered this issue, and will

again deny plaintiff's motion for appointment of counsel for the reasons set forth therein.

IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel [#72] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of February, 2009.